

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KAY E. WEBB, R.N.,	:	LS0911056NUR
RESPONDENT.	:	

Division of Enforcement Case # 06NUR367; 08NUR413

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Kay E. Webb, R.N.
611 S. Baird
Green Bay, WI 54301

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties to this matter agree to the terms and conditions of the attached Stipulation as the Final Decision and Order in this matter, subject to the approval of the Wisconsin Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kay E. Webb, R.N., Respondent herein, date of birth 08/24/54, is duly licensed as a registered nurse in the state of Wisconsin, license # 76450-30. This license was first granted on 8/29/80 and remains current and active through 2/28/10.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 611 S. Baird, Green Bay, Wisconsin 54301.
3. At all times relevant to this action, Respondent was working as a registered nurse in the state of Wisconsin.
4. Investigations 06NUR367 and 08NUR413 are pending before the Wisconsin Board of Nursing. The allegation of 06NUR367 is that Respondent inappropriately utilized duct tape applied over a resident's socks to prevent the resident from removing the socks. The allegation of 08NUR413 is that the Respondent documented in a resident's MAR that she had administered a narcotic to the resident but then misplaced the narcotic and did not administer it to the resident as charted.
5. Respondent has been diagnosed with Major Depressive Disorder and has been receiving electroconvulsive therapy for this condition resulting in some memory loss. Respondent, as the result of her medical condition, is retiring from the practice of nursing.
6. Respondent, in consideration of her retirement from the practice of nursing, has agreed to voluntarily surrender her license to practice as a registered nurse in the state of Wisconsin effective on the date of this Final Decision and Order and has further agreed that she will not practice or attempt to practice nursing or make application for reinstatement or renewal of her license to practice as a registered nurse in the state of Wisconsin at any time in the future. Any application for renewal or reinstatement of her license to practice as a registered nurse in the state of Wisconsin shall be, pursuant to the terms of this Stipulation and Final Decision and Order, summarily denied by the Board of Nursing. Respondent waives all rights to a hearing on the denial of any application for renewal or reinstatement of her license to practice as a registered nurse in the state of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Final Decision and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The voluntary surrender of the license of Kay E. Webb to practice as a registered nurse in the State of Wisconsin is hereby accepted effective on the date of this Final Decision and Order.

IT IS FURTHER ORDERED that:

2. Kay E. Webb will not practice or attempt to practice nursing in the state of Wisconsin when not currently licensed.

3. Kay E. Webb will not make application for reinstatement or renewal of her license to practice as a registered nurse in the state of Wisconsin at any time in the future. Any application for reinstatement or renewal of her license to practice as a registered nurse in the state of Wisconsin shall be, pursuant to the terms of this Final Decision and Order, summarily denied by the Board of Nursing. Respondent has waived all rights to a hearing on the denial of any application for reinstatement or renewal of her license to practice as a registered nurse in the state of Wisconsin.

4. The pending investigations, 06NUR367 and 08NUR413, are closed without further proceedings.

5. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Kathleen Sullivan
A Member of the Board

11/5/09
Date

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
KAY E. WEBB, R.N., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 06NUR367; 08NUR413

It is hereby stipulated between Kay E. Webb, R.N.; and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of pending investigations of Kay E. Webb’s licensure to practice as a registered nurse in the state of Wisconsin by the Division of Enforcement, cases 06NUR367 and 08NUR413. Kay E. Webb consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Kay E. Webb understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Kay E. Webb has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Kay E. Webb agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Kay E. Webb waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. The parties waive all costs of this proceeding.
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Wisconsin Dentistry Examining Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Kay E. Webb or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Kay E. Webb understands that the attorney or other agent for the Division of Enforcement or the case advisor, in responding to questions asked by the Board, may be required to provide information to the Board which may be construed by the Board as not weighing in favor of accepting this proposed Stipulation and Final Decision and Order. Kay E. Webb will not contend that any responses made by the attorney or other agent for the Division of Enforcement or by the case advisor in response to questions posed by the Board constitute a failure by the attorney or other agent for the Division of Enforcement or by the case advisor to speak in support of this agreement. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
8. Kay E. Webb is informed that should the Board adopt this Stipulation, the Board’s Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
9. The Division of Enforcement joins Kay E. Webb in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

611 S. Baird
Green Bay, WI 54301

<div>Gilbert C. Lubcke, Attorney Division of Enforcement Wisconsin Department of Regulation and Licensing P.O. Box 8935 Madison, WI 53708-8935</div>	<div>Date</div>
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